

Mayor Mary Cooper called the meeting to order at 7:00 p.m. Also present were Councilmembers Bill Seuell, Guy Pfalzgraff, Robert Jurca and Ed Sisson, along with City Manager Joe Kerby and City Attorney Mike Schottelkotte. A meeting notice was posted in the south window at City Hall at least twenty-four hours prior to the meeting.

Pledge of Allegiance

The Mayor led everyone present in the Pledge of Allegiance.

Changes to the Agenda

There were none.

Citizen Comments

There were none.

Public Hearing: 2011 Budget

Mayor Cooper recessed the regular meeting and opened the public hearing.

Finance Director Tod DeZeeuw reported that the version of the budget now before Council reflects discussions held at the recent work session.

The Mayor asked for public comment. When there was none, she closed the public hearing and reconvened the regular meeting.

Resolution #10, 2010: Setting the Mill Levy

The Finance Director explained that adoption of Resolution #10, 2010, will set the mill levy at zero mills.

Resolution #10, 2010

A RESOLUTION LEVYING GENERAL PROPERTY TAXES FOR THE YEAR OF 2010 TO HELP DEFRAY THE COSTS OF GOVERNMENT OF THE CITY OF DELTA, COLORADO, FOR THE 2011 BUDGET YEAR

was read by the Acting City Clerk.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Jurca to adopt Resolution #10, 2010. Roll call vote: Councilmembers Seuell, aye; Pfalzgraff, aye; Jurca, aye; Sisson, aye; and Cooper, aye. Motion carried.

Resolution #11, 2010: Adopting the 2011 Budget

Resolution #11, 2010

A RESOLUTION ADOPTING A BUDGET FOR THE CITY OF DELTA, COLORADO, FOR THE CALENDAR YEAR BEGINNING THE FIRST DAY OF JANUARY, 2011, AND ENDING ON THE THIRTY-FIRST DAY OF DECEMBER, 2011

was read by the Acting City Clerk.

It was moved by Councilmember Jurca and seconded by Councilmember Sisson to adopt Resolution #11, 2010. Roll call vote: Councilmembers Seuell, aye; Pfalzgraff, aye; Jurca, aye; Sisson, aye; and Cooper, aye. Motion carried.

Mayor Cooper congratulated Manager Kerby and the City staff on the smoothness of the budget process this year.

Regular Meeting, Delta City Council, November 16, 2010 (Cont.)

Council Bill #4, 2010; First Reading; 2011 Appropriations

Council Bill #4, 2010

AN ORDINANCE APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES IN THE AMOUNTS AND FOR THE PURPOSES SET FOR BELOW FOR THE CITY OF DELTA, COLORADO, FOR THE 2011 BUDGET YEAR

was read by the Acting City Clerk.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Sisson to adopt Council Bill #4, 2010, on first reading. Roll call vote: Councilmembers Seuell, aye; Pfalzgraff, aye; Jurca, aye; Sisson, aye; and Cooper, aye. Council Bill #4, 2010 was adopted on first reading.

City of Delta Confluence Drive Project Relocation Assistance Policy

Public Works Director Jim Hatheway presented the proposed relocation assistance policy relating to purchase of the additional properties needed for the Confluence Drive Project. Mr. Hatheway stated that he believes all of Council's concerns have been addressed and asked for Council's approval of the policy.

It was moved by Councilmember Jurca and seconded by Councilmember Sisson to adopt the Confluence Drive Project Relocation Assistance Policy. All in favor, motion carried.

Wastewater Treatment Plant River Diffuser Project

Assistant Utilities Director Steve Glammeyer explained that in 2009, \$1,000,000 was budgeted for the design and installation of a new river diffuser to meet new effluent discharge requirements from the Colorado Department of Public Health and Environment (CDPHE). Approval was recently received from CDPHE to proceed with construction. A request for bids elicited interest from 15 general contractors, who attended a walkthrough on October 6, 2010. The following two bids were received:

Bob Brewer Construction and Hauling	\$277,500
Kissner General Contractors, Inc.	\$781,480

Because of the significant difference between the two bids, staff, along with design engineers URS, met with Bob Brewer to make a determination as to his understanding of the project. Following this meeting, URS recommended that the City award the contract to Bob Brewer Construction. Thus, staff recommends awarding the contract for installation of the river diffuser at the wastewater treatment plant to Bob Brewer Construction and Hauling.

Councilmember Pfalzgraff asked for a projected time table for this project. Mr. Glammeyer stated that Mr. Brewer plans to be finished by the end of February.

City Manager Kerby noted that Mr. Brewer would be using Buckhorn Geotech to design the cofferdam for the project. He asked about Buckhorn's experience in such matters and questioned the additional cost for URS to provide additional construction oversight as recommended. Mr. Glammeyer explained that Buckhorn Geotech has done work for the City in the past, including work on dams on Grand Mesa. He added that staff has asked URS to provide a cost estimate, which hasn't come in as yet. However, there is about \$28,000 remaining in the original contract with URS.

It was moved by Councilmember Sisson and seconded by Councilmember Jurca to award the installation of the river diffuser at the wastewater treatment plant to Bob Brewer Construction & Hauling and authorize the City Manager to sign the construction contract agreement once reviewed and approved by the City Attorney. All in favor, motion carried.

Villas at the Bluff Subdivision

Community Development Director Glen Black reported that the Delta Housing Authority has requested a resubdivision of Lot 2 of the Final Plat of the Villas at the Bluff Subdivision located at 501 14th Street. The request would separate the portion of Lot 2 holding the DHA administration building from the rest of the development.

Regular Meeting, Delta City Council, November 16, 2010 (Cont.)

Villas at the Bluff Subdivision (Cont.)

Mr. Black went on to explain that the Planning Commission reviewed the request at their meeting on November 1, 2010, and recommended approval subject to the following conditions:

1. All corrections noted by the Planning Commission are made to the plat and accepted by the City;
2. Two Mylar copies of the plat with all necessary signatures are accepted by the City;
3. Payment in Lieu of Parks fee in the amount of \$1,203 is paid prior to recording the plat.

In answer to a question from Councilmember Pfalzgraff, DHA representative Jo Rosenquist explained that some of the funds raised for the affordable housing project were used for the administration building. If the ground containing that building is split from the remainder of the development, the funds used in building it will be reimbursed and can be used for housing in the second phase of the project.

It was moved by Councilmember Jurca and seconded by Councilmember Sisson to approve the Villas at the Bluff Lot Split, a Resubdivision of Lot 2 Final Plat, with all staff recommendations. All in favor, motion carried.

Retail Liquor Store License: Grand Valley Liquors, LLC

The Acting City Clerk reported that staff recommends approval of the retail liquor store license renewal for Grand Valley Liquors at 750 Main Street. The required fees have been paid and the Police Department has indicated no liquor violations in the past twelve months.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Jurca to approve the liquor license renewal application for Grand Valley Liquors. All in favor, motion carried.

Hotel/Restaurant Liquor License: Ocean Pearl

The Acting City Clerk reported that staff also recommends approval of the hotel/restaurant liquor license renewal for Ocean Pearl Delta at 109 Main Street. The required fees have been paid and the Police Department has indicated no liquor violations in the past twelve months.

It was moved by Councilmember Sisson and seconded by Councilmember Seuell to approve the liquor license renewal application for Ocean Pearl Delta. All in favor, motion carried.

Retail Liquor Store License: Peterson Liquor

The Acting City Clerk reported that staff recommends approval of the retail liquor store license renewal for Peterson Liquor at 455 W. 8th Street. The required fees have been paid and the Police Department has indicated no liquor violations in the past twelve months.

It was moved by Councilmember Seuell and seconded by Councilmember Pfalzgraff to approve the liquor license renewal application for Peterson Liquor. All in favor, motion carried.

City Attorney Comments

City Attorney Schottelkotte mentioned that it had been a pleasure to work with Brad Rodenburg on property acquisition.

City Manager Comments

Manager Kerby reported the following:

- The used Rec Center equipment will be sold for \$12,009, which will be applied toward the cost of the newly purchased equipment, bringing the final cost of the new equipment down to around \$20,000.
- A brainstorming session will be held tomorrow (November 17, 2010) beginning at 10:30 a.m. at the Recreation Center. 25 people from various agencies will be present to discuss ideas for funding the Confluence Drive Project.
- Mr. Kerby and Mr. Hatheway have been working with the Department of Local Affairs on applying for a CDBG grant. A grant writer has been brought on board to complete the application for funding for property acquisition for the Confluence Drive Project.

Regular Meeting, Delta City Council, November 16, 2010 (Cont.)

City Manager Comments (Cont.)

- The City Manager, along with several Councilmembers and Department Heads, will be traveling to Buena Vista on Thursday, November 18, 2010, to tour development which has occurred there during the past couple of years. They will be meeting with developers who have worked on the Buena Vista project.
- Mr. Kerby will report to Council at their next meeting concerning recommendations for funding of the Juvenile Diversion project.
- The County Commissioners have requested the City to appoint a representative to the Gunnison Basin Roundtable. This appointment will be on the Agenda for the next meeting.
- Manager Kerby asked Council to reschedule the work session on the golf course - originally scheduled for November 30 - to 5:30 p.m. on December 7. Council agreed.
- Business After Hours is scheduled to be held at the Alpine Bank at 5:30 p.m. on November 18, 2010. There are also two Chamber ribbon cuttings for new businesses coming up this week.
- The City Manager will be meeting with several members of the Economic Development Board on Friday, November 19, 2010, to get acquainted.
- The roofing project on the Municipal Light and Power building will be completed as of Saturday, November 20, 2010. On Monday, November 22, work will begin at the Rec Center.
- The CFL bulb give away is in full swing. 50 to 100 people per day are picking up CFL bulbs at City Hall.
- The Police Department recently caught two burglars in the act, thanks to a report from an alert citizen.

Councilmember Comments

There were none.

Executive Session

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Jurca to convene an Executive Session for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under CRS Section 24-6-402(4)(e); or more specifically for discussions regarding possible settlement of the Rodriguez property use dispute. All in favor, motion carried.

The Regular Meeting was recessed at 7:35 p.m. and the Executive Session was immediately convened.

At 8:20 p.m. the Mayor reconvened the Regular Meeting and announced that the Executive Session had been concluded. She stated that in addition to herself, the participants in the Executive Session were Councilmembers Bill Seuell, Guy Pfalzgraff, Robert Jurca, Ed Sisson, City Manager Joe Kerby and City Attorney Mike Schottelkotte. For the record, the Mayor asked any person who participated in the Executive Session who believed that any substantial discussion of any matters not included in the motion to go into the Executive Session occurred during the Executive Session in violation of the Open Meetings Law, to state his concerns for the record. No concerns were stated.

The Regular meeting was immediately adjourned.

Mary Lynn Williams, Acting City Clerk